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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,808	09/22/2003	Andrew Doddington	14846-16	2172

7590 10/18/2007  
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ROSELAND, NJ 07068

EXAMINER
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PARDO, THUY N

ART UNIT	PAPER NUMBER
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2168

MAIL DATE	DELIVERY MODE
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10/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/667,808	<b>Applicant(s)</b> DODDINGTON, ANDREW	
	<b>Examiner</b> Thuy N. Pardo	<b>Art Unit</b> 2168	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's Amendment filed on July 30, 2007 in response to Examiner's Office Action has been reviewed. Claims 1-10 and 12-15 are pending in the application. Claim 11 is amended and claims 1-4, 14 and 15 are amended. This Office Action is made Final.

#### ***Claim Objections***

2. Claims 2-10, 12 and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. For instance, claims 2-10, 12 and 13 are further limiting to independent claim 1, "A method" cited in these claims should be changed to "The method". Correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Norton et al. (U.S. 2003/0140332) hereinafter "Norton" in the view of Fuh et al. (2004/0073870) hereinafter "Fuh", and in further view of Crawford et al. (Hereinafter "Crawford") US Patent No. 5,261,095.

Referring to claim 14, Norton, Fur and Crawford teach the invention substantially as claimed as specified in claim 14 of the previous action. Crawford further teaches executing said first operation on a first processor in said distributed processing system [ab; 21 of fig. 2]; sending said nested operation to a second processor in the distributed processing system [converting subprogram for processor 2, see 15 of fig. 1; ab; col. 2, lines 21-46; col. 10, lines 60-67]; using said schema to generate a second program having an interface with grid management software [col. 11, lines 32-43], the second program and the grid management software being used to render the nested operation executable on said second processor [ab; col. 11, lines 9-60].

Referring to claim 15, Norton, Fur and Crawford teach the invention substantially as claimed as specified in claim 15 of the previous action. Fur further teaches executing these operations in real-time [run time, 0007] and Crawford also further teaches executing these operations in real-time [run time environment, col. 7, lines 11-19; col. 12, lines 38-62].

***Allowable Subject Matter***

3. Claims 1-10, 12 and 13 are allowed over the prior art of record.

The following is an Examiner's Statement of Reasons for Allowance:

The prior art of record fails to teach or suggest individually or in combination said schema written in XML renders unaltered underlying function calls which define said first operation and said nested operation as set forth in independent claim 1.

Claims 2-10, 12 and 13 being further limiting to independent claim 1, definite and enable by the Specification are also allowed.

#### ***Response to Arguments***

4. Applicant's arguments filed on August 07, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., executing applications on different processors in real time) are not recited in the rejected claim 14. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Examiner also believes that both Fur and Crawford teach executing applications on different processors in real time. Fur further teaches executing these operations in real-time [run time, 0007] and Crawford also further teaches executing these operations in real-time [run time environment, col. 7, lines 11-19; col. 12, lines 38-62].

Applicant argues that the cited references fail to teach the feature that the first service application becoming a client application for the second service application.

As to this point, examiner respectfully disagrees. Examiner believes that this feature was taught by Crawford. Crawford teaches executing said first operation on a first processor in said distributed processing system [ab; 21 of fig. 2], sending said nested operation to a second processor in the distributed processing system [converting subprogram for processor 2, see 15 of fig. 1; ab; col. 2, lines 21-46; col. 10, lines 60-67], using said schema to generate a second program having an interface with grid management software [col. 11, lines 32-43], the second program and the grid management software being used to render the nested operation executable on said second processor [ab; col. 11, lines 9-60].

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thuy N Pardo  
Primary Examiner  
Art Unit 2168

October 12, 2007

A handwritten signature in black ink, appearing to read 'Thuy N. Pardo', with a long horizontal line extending from the bottom right of the signature.

**THUY N. PARDO**  
**PRIMARY EXAMINER**